INTRADEPARTMENTAL CORRESPONDENCE

November 20, 2018
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 008-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 008-18. A Use of Force Review Board (UOFRB) was convened on this matter on November 7, 2018. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On January 27, 2018, at approximately 1117 hours, Officers [redacted], Serial No. [redacted] and [redacted], Serial No. [redacted], Harbor Patrol Division, were in full police uniform, driving a marked black and white police vehicle. The officers responded to a radio call of a 415 juvenile group at the [redacted] located at [redacted]. The comments of the call indicated there were three male juveniles, wearing blue clothing, who were sitting on a park bench, smoking marijuana and drinking alcohol.

Note: The investigation revealed that the officers placed themselves Code-Six via their Mobile Digital Computer (MDC) upon arrival.

According to Officer [redacted], who was the passenger officer, they were driving around the recreation building checking the benches, but did not observe the suspects from the radio call. They drove north on Bay View Avenue to check the baseball field, parking lot, and basketball courts. Officer [redacted] then observed an individual, later identified as [redacted], wearing a blue-checkered shirt, riding a bicycle north of them on the west side of Bay View Avenue.

According to Officer [redacted], after they drove past D Street, [redacted] rode his bicycle from the west side of the street to the east sidewalk. Officer [redacted] observed that [redacted] appeared to be agitated and keeping his eye on the officers. Officer [redacted] advised Officer [redacted] that [redacted] may be part of the radio call, but they did not have enough information to stop him at the time.
Note: According to Officer [redacted], did not observe [redacted] actions at this time. Also did not recall hearing Officer [redacted] advise [redacted] of [redacted] actions.

According to Officer [redacted], they were driving approximately 5-10 miles an hour, when [redacted] crossed back to the west sidewalk and rode in a circle while watching the officers. Then bolted out between two parked cars, immediately turned towards the officers, and quickly rode directly at them. [redacted] jumped off the pedals and straddled his bicycle. [redacted] lifted his shirt with his left hand and grabbed his waistband with his right hand. Officer [redacted] observed a dark object as [redacted] brought his hands up very quickly and punched out into a shooting stance with his left hand cupped under his right hand.

According to Officer [redacted], believed [redacted] had a gun and was going to kill [redacted] and Officer [redacted]. Officer [redacted] drew a service pistol and fired two rounds from a service pistol at [redacted] from approximately 25 feet (Drawing/Exhibiting, Lethal Use of Force, and Additional Tactical Debrief Topics – Holding Drink in Left Hand and Service Pistol in Right Hand).

According to Officer [redacted], first observed [redacted] approximately 30 to 40 feet north of them. [redacted] was riding his bicycle from the west sidewalk to the street, in between cars, and then rode fast and aggressively towards them. [redacted] got off his bike, took a couple steps towards them, and took a shooting stance. Officer [redacted] simultaneously heard shots fired as [redacted] slowed the vehicle and put it in park.

According to Officer [redacted], after [redacted] fired his rounds, [redacted] fell down to the ground. Officer [redacted] took seatbelt off, exited, and assumed a position of cover behind passenger side ballistic door panel.

According to Officer [redacted], observed [redacted] immediately go to the ground in a prone position. Officer [redacted] unbuckled seatbelt and exited the vehicle. Then assumed a position of cover behind driver’s side ballistic door panel and drew service pistol (Drawing/Exhibiting).

According to Officer [redacted], [redacted] was moving around so [redacted] told [redacted] to, “Spread his arms out” and “Don’t move.” Officer [redacted] then heard somebody else yelling on the east sidewalk. Believing there could be a second suspect who was part of a possible ambush, Officer [redacted] advised Officer [redacted] that [redacted] was going to find the possible suspect, later identified as E. McColoum, so that they don’t get ambushed.

According to Officer [redacted], [redacted] gave [redacted] commands to, “Stay down.” Officer [redacted] then observed Officer [redacted] dealing with McColoum. Officer [redacted] broadcasted a help call and advised units to respond northbound from D Street (Debriefing Point No. 1 and Additional Tactical Debrief Topics – Non-Conflicting Simultaneous Commands).
According to Officer [redacted], he redeployed to the east side of the street and assumed a position of cover behind a red SUV. He slowly walked towards the east sidewalk until he observed McColoum standing on the sidewalk with his arms up. Officer [redacted] directed McColoum towards [redacted]. McColoum complied. Officer [redacted] holstered a service pistol and handcuffed McColoum as additional units arrived (Debriefing Point No. 2).

Additional personnel arrived including Sergeant [redacted], Serial No. [redacted], Officer [redacted], Serial No. [redacted], and Officer [redacted], Serial No. [redacted], Harbor Patrol Division.

According to Officer [redacted], when he started walking McColoum to the curb area, McColoum tried to pull away and started yelling at [redacted]. Officer [redacted] used both of his hands on McColoum’s left bicep and applied downward pressure to put McColoum on the ground into a seated position (Non-Lethal Use of Force).

Simultaneously, Officer [redacted], along with additional responding officers, formed an arrest team. The arrest team took [redacted] into custody, without further incident (Additional Tactical Debrief Topics – Less-Lethal Force Options and Firearm Safety Rules).

Sergeant [redacted], Serial No. [redacted], Harbor Patrol Division, arrived and assumed the role of Incident Commander (IC).

Sergeant [redacted] separated, monitored, and obtained a Public Safety Statement (PSS) from Officer [redacted].

Sergeant [redacted], Serial No. [redacted], Harbor Patrol Division, responded to the location and separated, monitored, and obtained a PSS from Officer [redacted].

Note: The investigation revealed that [redacted] was not armed with a firearm during the incident. However, during his FID interview, [redacted] stated that he simulated pointing a handgun at the officers because he liked the attention.

FINDINGS

Tactics – Tactical Debrief, Officer [redacted]. Administrative Disapproval, Officer [redacted].

Drawing/Exhibiting – In Policy, No Further Action, Officers [redacted] and [redacted].

Non-Lethal Use of Force – In Policy, No Further Action, Officer [redacted].

Lethal Use of Force – In Policy, No Further Action, Officer [redacted].
ANALYSIS

Detention

The suspect rode his bicycle in the direction of the officers and stopped. The suspect reached into his waistband and then took a shooting stance, simulating a handgun, which resulted in an OIS. The officers’ actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to Tactical Debriefs is: “The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”

Department policy relative to Administrative Disapproval is: “A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the suspect’s immediate actions of taking a shooting stance and simulating a handgun, resulted in the officers being unable to attempt de-escalation techniques.

Faced with what was reasonably perceived to be an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.
During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1  Tactical Communication**

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

*Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain 22).*

Officer [redacted] broadcasted a Help Call at Bay View Avenue and E Street, directing units to respond north from D Street.

In this case, the similarities of sound between “D” and “E” prompted Communications Division (CD) to request the phonetic pronunciation of the cross street. Officer [redacted] responded to the request by restating, “D,” Street, without providing the phonetic pronunciation.

As a result, Officers [redacted] and [redacted] initially responded north on Bay View Avenue from E Street, placing themselves downrange from the OIS location. Additionally, while CD was attempting to request the phonetic pronunciation a second time, Sergeant [redacted] advised CD to hold the frequency resulting in CD discontinuing their attempt to clarify the appropriate cross street.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Officer [redacted] actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 2  Contact and Cover (Substantial Deviation — Officer [redacted])**

*The cover officer’s primary role is to protect the contact officer. This officer provides protection from a position of surveillance and control. This officer must continue to monitor the suspect’s actions as well as any potential threats in the area (Standardized Roll Call Training, Deployment Period 3/2005).*

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*
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Officer [redacted] initiated contact and physically restrained a second possible ambush suspect without the benefit of a cover officer.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, although the suspect was compliant, Officer [redacted] placed [redacted] at a tactical disadvantage and took an unnecessary risk by contacting and physically restraining the suspect without waiting for additional resources.

Based on the totality of the circumstances, I have determined that Officer [redacted] decision to initiate contact and physically restrain a possibly armed suspect without the benefit of a cover officer was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Holding Drink in Left Hand and Service Pistol in Right Hand – The investigation revealed that Officer [redacted] drew [redacted] service pistol with [redacted] right hand and was involved in an OIS while holding a drink in [redacted] left hand. Officer [redacted] is reminded of the importance of being prepared for tactical situations arising while investigating radio calls and to keep [redacted] hands free when conducting field investigations. I will direct that this be a topic of discussion during the Tactical Debrief.

Non-Conflicting Simultaneous Commands – The investigation revealed that several officers gave simultaneous commands to the suspect during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance by the suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

Less-Lethal Force Options – The investigation revealed that there were no designated less-lethal cover officers as part of the arrest team when approaching the suspect to take him into custody. Although not required, I would have preferred that a less-lethal force option be deployed in the event the suspect posed a situation where the deployment of a less-lethal force option was appropriate. I will direct that this be a topic of discussion during the Tactical Debrief.

Firearm Safety Rules – The investigation revealed that while approaching [redacted] as part of the arrest team, Officer [redacted] allowed the muzzle of [redacted] service pistol to momentarily cover additional officers who assisted with taking [redacted] into custody. Officer [redacted] is to be reminded to not violate the Department’s Basic Firearm Safety Rules. I will direct that this be a topic of discussion during the Tactical Debrief.
Command and Control

Sergeant [redacted] responded and assumed the role of IC.

Sergeant [redacted] responded, separated, monitored, and obtained a PSS from Officer [redacted].

Sergeant [redacted] responded, separated, monitored, and obtained a PSS from Officer [redacted].

The actions of these supervisors were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officer [redacted] substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the UOFRB determined, and I concur, that the tactics of Officer [redacted], did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officers [redacted] and [redacted] attend a Tactical Debrief and the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On February 8, 2018, Officers [redacted] and [redacted] attended a GTU. All mandatory topics were covered including Force Option Simulator, Ambush Tactics, and Weapon Manipulations.
Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).

According to Officer [redacted] and Officer [redacted] were driving in their vehicle at approximately 5-10 miles per hour, when [redacted] crossed back to the west sidewalk from the other side of the road. [redacted] rode in a circle while watching the officers. [redacted] then bolted out between two parked cars and immediately turned toward the officers.

[redacted] quickly rode directly at them, jumped off the pedals and straddled his bicycle. [redacted] lifted his shirt with his left hand and grabbed his waistband with his right hand.

Officer [redacted] then observed a dark object in [redacted]'s hand as [redacted] brought his hands up very quickly and punched out into a shooting stance with his left hand cupped under his right hand. Believing that [redacted] had a gun and was going to kill him and Officer [redacted], Officer [redacted] drew service pistol.

Officer [redacted] recalled,

And then, well, no I guess, when we got to a certain location that's when he bolted out and then he came at us and he started reaching for his waistband and, you know, and I'm thinking oh, there's going to be an ambush. It's a gun and he's going to shoot me and so - - so that's why I drew out on him.

According to Officer [redacted], [redacted] first observed [redacted] approximately 30 to 40 feet north of them. [redacted] rode his bicycle from the west sidewalk to the street, in between cars, and then rode fast and aggressively towards them. [redacted] got off his bike, took a couple steps towards them, and took a shooting stance. Officer [redacted] slowed the vehicle and put it in park as he simultaneously heard shots fired. [redacted] observed immediately go to the ground in a prone position. Officer [redacted] unbuckled seatbelt and exited the vehicle. Officer [redacted] assumed a position of cover behind driver's side ballistic door panel and drew service pistol.

Officer [redacted] recalled,

He got off his bike, walked a couple of steps, and took a shooting stance. At that point, I put - - I slowed the vehicle and I put it on (sic) park. And then while I was doing that, I heard the shots fired. So I - - I un buckled, unholstered, and got out of the - - opened the - - I opened the door. Okay. As - - as soon as the shots fired, he immediately went down.
I feared for my safety. I thought I was going to get shot, so I - - I unholstered to defend myself."

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [Redacted] and [Redacted], while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers [Redacted] and [Redacted]’s Drawing/Exhibiting to be In-Policy, No Further Action.

Note: In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Additionally, I am critical of Officer [Redacted] deployment of the Patrol Rifle in this specific situation. I would have preferred a weapon system be deployed that was more appropriate for the tactical situation.

Non-Lethal Use of Force

*It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).

Officer [Redacted] – Firm grips, takedown

According to Officer [Redacted], when [Redacted] started walking McCollum to the curb area, McCollum tried to pull away and started yelling at [Redacted]. Officer [Redacted] used both of his hands on McCollum’s left bicep and applied downward pressure to put McCollum on the ground into a seated position.
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Officer recalled,

_He -- he -- when -- when he like tried to break from me I stopped him and I just -- I just kind of pulled on his arm, you know, hey, sit down and then -- and then he -- and he sits down on the sidewalk part...I had -- I have a hold of his bicep...It was both my hands. And then -- and then I -- I had a hold of him on his left -- left arm by his bicep and -- and like the crook of his elbow and -- and I just used that to, you know, keep control of him._

When asked by an FID investigator if _applied downward pressure to sit McColoum down, Officer replied, “Yes.”_

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer _, while faced with similar circumstances, would believe that this same application of non-lethal force would be reasonable to prevent McColoum’s escape.

Therefore, I find Officer _Non-Lethal Use of Force to be In Policy, No Further Action._

**Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,
- Prevent a crime where the subject’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or,
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).

Officer _-.40 caliber, two rounds in a northerly direction, from an approximate distance of 51 feet._

According to Officer _, I believed _had a gun and was going to kill! and Officer _Officer _drew _service pistol and fired two rounds from _service pistol at _from approximately 25 feet._
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Officer [REDACTED] recalled,

_The -- the -- the suspect had on a blue plaid shirt. It was baggy and it was not tucked in. It was hanging over his pants. He -- he reached with his left hand, pulled up his shirt and ran his right hand underneath his shirt and was grabbing at the waistband._

_As he did that I -- I saw a dark object. He -- as he's pulling out that's when I started drawing down and like -- like simultaneously as he's coming up in his shooting stance with both hands, one hand cupped under -- his left hand cupped under his right hand in a shooting stance he -- he comes up very, very quickly and punches out and as he's doing that I was also punching out simultaneously and fired two rounds._

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED], would reasonably believe that [REDACTED] actions presented an imminent threat of death or serious bodily injury, and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer [REDACTED] Use of Lethal Force to be In Policy, No Further Action.

Additional

**Aftermarket Striker Plate** – The investigation revealed that Officer [REDACTED]'s service pistol was equipped with a cosmetic aftermarket striker plate. Officer [REDACTED] was directed to have the original striker plate re-installed by the Department armory. Captain [REDACTED], Serial No. [REDACTED], Commanding Officer, Harbor Patrol Division, addressed this issue through divisional training. The commanding officers of OSB and OO concurred with this action. As such, I deem no further action necessary.

**Reverence for Human Life** – The investigation revealed that Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED], Harbor Patrol Division, responded to the Help Call with a subject in the backseat of their police vehicle. The subject had been placed under an involuntary hold due to mental illness. Captain [REDACTED] was advised and addressed this issue through divisional training, which was documented in the Learning Management System (LMS). As such, I deem no further action is necessary.

**Body Worn Video (BWV) Activation** – The investigation revealed that Officer [REDACTED] did not activate his BWV during the incident. Captain [REDACTED] was advised and addressed this issue through divisional training, which was documented in LMS. As such, I deem no further action is necessary.

**Chambering a Round in a Patrol Rifle While Seated in Police Vehicle** – The investigation revealed that Officer [REDACTED] removed his Patrol Rifle from the rifle rack inside of [REDACTED] vehicle. Officer [REDACTED] chambered a round while seated inside of his vehicle as [REDACTED] was still approaching the location. The UOFRB was critical, and I concur, that there is an increased
possibility of inducing an unintentional discharge when exhibiting and chambering a round in the patrol rifle while seated inside a moving police vehicle. This was brought to the attention of Captain _____ who addressed the issue with divisional training. As such, I deem no further action is necessary.

**Profanity** – The investigation revealed that Officer _____ utilized profanity while giving _____ commands. This was brought to the attention of Captain _____ who addressed the issue with divisional training. As such, I deem no further action is necessary.

**Special Locations** – Captain _____ advised the UOFRB that as a result of this incident, as well as multiple other incidents involving _____, _____'s home address has been entered in as a Special Location. Additionally, due to multiple incidents occurring at _____ involving _____, that location is in the process of being entered as a Special Location. As such, I deem no further action is necessary.

**Audio/Video Recordings**

**Digital In-Car Video System (DICVS)/BWV** – Harbor Division vehicles were equipped with DICVS at the time of the incident. Officers _____ and _____ DICVS was activated after the OIS and captured _____ being taken into custody.

Harbor Division personnel were equipped with BWV at the time of this incident. Officers _____ and _____ BWV were activated after the OIS. However, due to the two-minute buffering, Officer _____ BWV recorded _____ actions during the OIS without any audio.

**Outside Video** – Witness _____ recorded the incident, after the OIS, with her cellular telephone.

**Chief’s Direction**

Although, it was determined that Sergeant _____, Officer _____, and Officer _____ were not to be substantially involved in the incident and did not receive formal findings, the UOFRB determined, and I concur, that they would benefit from attending the Tactical Debrief to discuss lessons learned and enhance tactical performance during similar incidents. Therefore, I will direct Sergeant _____, along with Officers _____ and _____, to attend the Tactical Debrief.

Respectfully,

MICHEL R. MOORE  
Chief of Police  

Date: 10-20-18